

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN S. GARCIA,	)	1:02-cv-05878-AWI-DLB-HC
	)	
Petitioner,	)	<b>ORDER ADOPTING FINDINGS AND</b>
	)	<b>RECOMMENDATIONS</b> (Doc. 84)
v.	)	
	)	<b>ORDER DENYING PETITION FOR</b>
A.P. KANE,	)	<b>WRIT OF HABEAS CORPUS</b>
	)	
Respondent.	)	<b>ORDER DENYING MOTION/REQUEST</b>
	)	<b>FOR DISCOVERY AS MOOT</b>
	)	(Doc. 50)
		<b>ORDER DIRECTING CLERK TO</b>
		<b>ENTER JUDGMENT FOR RESPONDENT</b>

Petitioner is a state prisoner proceeding pro se with a  
Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

On October 20, 2006, the Magistrate Judge filed Findings and  
Recommendations that the Petition for Writ of Habeas Corpus be  
DENIED, that Petitioner's motion/request for discovery be DENIED as  
MOOT, and that judgment be entered in favor of Respondent. These  
Findings and Recommendations were served on all parties and  
contained notice that any objections were to be filed within thirty  
(30) days from the date of service of that order. To date, the  
parties have not filed timely objections to the Findings and  
Recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636  
2 (b) (1) (C), this Court has conducted a *de novo* review of the case.  
3 Having carefully reviewed the entire file, the Court concludes that  
4 the Magistrate Judge's Findings and Recommendations are supported  
5 by the record and proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations, filed October 20, 2006,  
8 are ADOPTED IN FULL;

9 2. The Petition for Writ of Habeas Corpus is DENIED;

10 3. The Clerk of Court enter judgment in favor of Respondent;  
11 and,

12 4. Petitioner's motion/request for discovery, filed May 26,  
13 2005, is DENIED as MOOT.

14  
15 IT IS SO ORDERED.

16 **Dated: December 30, 2006**  
17 0m8i78

**/s/ Anthony W. Ishii**  
UNITED STATES DISTRICT JUDGE